

AARON D. FORD
Attorney General
Erica Berrett (Bar. No. 13826)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
(702) 486-3110 (phone)
(702) 486-2377 (fax)
EBerrett@ag.nv.gov
Attorneys for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROGER RANDOLPH,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

Case No. 2:18-cv-00449-RFB-VCF

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME
TO FILE REPLY TO OPPOSITION TO
RENEWED MOTION TO DISMISS
(ECF NO. 68)**
(FIRST REQUEST)

Respondents move this Court for an enlargement of time of sixty (60) days from the current due date of November 21, 2022, up to and including January 20, 2023, in which to file their reply to Randolph's Opposition to Renewed Motion to Dismiss Second Amended Petition (ECF No. 68). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents to file a reply to opposition to renewed motion to dismiss, and the request is brought in good faith and not for the purpose of delay.

DATED: November 21, 2022.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Erica Berrett
Erica Berrett (Bar. No. 13826)
Senior Deputy Attorney General

DECLARATION OF ERICA BERRETT

I, ERICA BERRETT, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I am responsible to represent Respondents in *Roger Randolph v. Renee Baker, et al.*, Case No. 2:18-cv-00449-RFB-VCF, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The reply to Randolph's Opposition to Renewed Motion to Dismiss Second Amended Petition (ECF No. 68) is currently due November 21, 2022. I have been unable with due diligence to timely complete the reply.

4. Respondents were initially given only seven days to file this reply, in accordance with the local rules. *See* ECF No. 33 at 2. During this period, I have largely spent my time working on an amended answer in capital habeas matter *Guy v. Baca*, 2:11-cv-01809-APG-NJK, among other federal habeas matters. Looking forward, I need to continue to work on the answer in the capital habeas matter, *Byford v. Reubart, et al.*, 3:11-cv-00112-JCM-CSD, which is now on a fifth extension, due December 30, 2022, and for which the Court has indicated it is unlikely to grant further extensions. Moreover, I have an oral argument set on December 9, 2022, in the Ninth Circuit Court of Appeals for *Kelsey v. Baker*, 22-15557, 3:18-cv-00174-MMD-CLB, for which I have been preparing and need to continue my preparations.

5. In addition to these case-related responsibilities, my administrative responsibilities as a Senior Deputy have been especially time-consuming in recent months, as we have continued to have turnover within the Nevada Attorney General's Post-Conviction Division, and I am responsible for case assignment and reassignment for the large majority of federal habeas cases in the Division. I am also responsible to review the pleadings of multiple Deputies.

6. I have contacted Petitioner's counsel regarding this request for enlargement of time, and she does not oppose.

///

///

///

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Reply to Opposition to Renewed Motion to Dismiss (First Request)* with the Clerk of the Court by using the CM/ECF system on November 21, 2022.

The following participants in this case are registered electronic filing system users and will be served electronically:

Shelly Richter
Assistant Federal Public Defender
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101

/s/ C. Martinez
An employee of the Office of the Attorney General